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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,847

03/04/2004

Alexander Kanaris

41066-201700

3857

26694

7590

04/25/2006

VENABLE LLP

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/791,847

Applicant(s)

KANARIS, ALEXANDER

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments and Amendments***

1. Due to Applicant's amendments, all previous objections to the claims are hereby withdrawn.

Due to Applicant's amendments, all previous 35 USC 112 2<sup>nd</sup> paragraph rejections are hereby withdrawn.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 5 is objected to because it appears as though "a" should be inserted between "presents" and "second" in line 5 of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 18 recites "...by a distance of about 0.04 inches". What value is about 0.04 inches? Within 0.01 inches? or within 0.02 inches? or more? Unless a range or

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exact number is provided, any value can be considered to be about 0.04 inches.

Furthermore, the Examiner believes the value to be merely design choice.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-12 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh USP 6,755,299.

Itoh discloses a similar motorized conveyor roller (5) comprising:

- A cylindrical rotatable roller (6) having at least one cylindrical end (7) disengaged from the rotational movement of said rotational roller (abstract, C5/L58-64)
- Wherein said roller comprises a rotatable portion intermediate a first and second cylindrical end (fig.3)
- Wherein said rotatable portion comprises a rotatable roller tube (fig.3)
- Wherein said roller tube includes a motor (21)
- Wherein said first and second cylindrical ends are axially disposed about a central shaft (10,14); and said first cylindrical end presents a first cylindrical

surface having a first diameter and said second cylindrical end presents second cylindrical surface having a second diameter (fig.3)

- Wherein said shaft portion comprises a rotatable shaft portion (28) disposed between said first and second cylindrical surfaces, and wherein said roller tube has a diameter larger than said first and second diameter of said cylindrical surfaces (fig.3) (C6/L37-49)
- Wherein said rotatable shaft portion is carried by said motor (C6/L37-49)
- Wherein one end of said rotatable shaft portion presents a pinion (22) (fig.3) (C6/L37)
- Wherein each of said cylindrical ends cover the ends of said rotatable portion

7. Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Agnoff USP 5,088,596.

Agnoff discloses a similar motorized rotatable conveyor roller (10) comprising:

- A hollow drum defining a rotatable supporting surface having a cylindrical shape disposed between first and second generally cylindrical non-rotational surface (48,66)
- Said first and second cylindrical non-rotational surfaces co-axially secured to first and second spaced apart stationary shafts (36,42) respectively
- One end of each of said stationary shafts disposed internally of said hollow drum (fig.1)

- said hollow drum presents an outer diameter greater than the outer diameter of each of said generally cylindrical non-rotational surfaces; whereby said outer diameter of said hollow drum drives said conveyor medium, and where said non-rotational surfaces do not contact said conveyor medium (fig.1)
- said outer diameter of said hollow drum is frictional with said conveyor medium
- said hollow drum includes a rotating shaft (78) co-axially disposed between said stationary shafts
- said hollow drum presents a first end flange and a second end flange (18a,20a); and roller bearing means (34) disposed between said first and second end flanges and said first and second generally cylindrical non-rotating portions, respectively (fig.1) (C3/L30-57)
- wherein said first and second non-rotational surfaces are spaced apart from said first and second flanges by a distance of about 0.04 inches (see ¶4)
- wherein said non-rotational surfaces are secured to said stationary shafts (fig.1)

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.

4/21/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER